

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SCOTT

Serial No.: 10/597,034

Filed: 3 October 2006

For: DIABETOGENIC EPITOPES

Conf. No. 5076

Art Unit: 1644

Examiner: Ewoldt

Atty. Dekt: 034205.003

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Listed on the accompanying Form PTO-SB/08 is a document that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. § 1.56, 1.97 and 1.98. A copy of the document is attached. Applicant reserves the right to establish the patentability of the claimed invention over the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that an exhaustive search has been made, or that there does not exist information more material to the examination of the present patent application. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will review art of record in all 35 U.S.C. § 120 priority documents.

- 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date or before the mailing date of a first Office Action on the merits. No certification or fee is required.
- 2. The Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
 - a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1); or
 - b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2); or

- c. The amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p) is being made via:
 - Check no. _____
 - Deposit Account No. 02-4300, Attorney Docket No. .
 - A credit card online.
- 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered.
 - a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1); or
 - b. I hereby certify that no item of information on this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
 - c. The amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p) is being made via:
 - Check no. _____
 - Deposit Account No. 02-4300, Attorney Docket No. .
 - A credit card online.
- 4. Relevance of the non-English language document(s) is discussed in the present specification.
- 5. Documents _____ were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. _____, filed _____, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

8. Copies of the documents were cited by or submitted to the Office in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-SB/08, and to indicate in the official file wrapper of this patent application that the document has been considered.

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 02-4300, Attorney Docket No. 034205.003.

Respectfully submitted,

/Suzannah K. Sundby/

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Date: May 28, 2008
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